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EXAMINER

LE, CANH

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/786,368	Applicant(s) IGA, NORIHISA	
	Examiner CANH LE	Art Unit 2439	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) 1-13, 16-24, 31-39, 56-66 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14, 15, 25-30 and 40-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date
:06/12/2008;02/20/2008;11/15/2006;02/26/2004..

DETAILED ACTION

This Office Action is in response to the communication filed on 06/19/2008.

Applicant's election without traverse of species 3 (Claims 14-15, 25-30, and 40-55, figures 3 and 9 in the reply on 06/19/2008 is acknowledged.

Claims 14-15, 25-30, and 40-55 have been examined and are pending.

Information Disclosure Statement

The information disclosure statement filed on 06/12/2008, 02/20/2008, 11/15/200, and 02/26/2004 fail to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in English language. It has been placed in the application file, but the information referred to therein has not been considered.

Specification

The disclosure is objected to because of the following informalities: The abstract of the specification recites, "the execution of content is linked with the ticket". It should be "the execution of content is linked with the ticket". Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Art Unit: 2439

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 14-15 and 40-50 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 14-15 are not directed to eligible subject matter in view of *In re Comiskey*, 499 F.3d 1365 (Fed. Cir. 2007). The claims recite “*means for receiving command inputs*”, “*means for acquiring content*”, “*means for executing content*”, “*means for checking the existence of a mobile information terminal in neighborhood*”, and “*means for acquiring content data corresponding to the performance of said external device*” which do not require integrating a machine (e.g., a computer), or constitute a process of manufacture, or altering a composition of matter. There is no further disclosure in the specification as to how the aforementioned “*means for*” are implemented. Therefore, the nature of the subject matter claimed may reasonably be construed as a mental process since the language of claims 14-15 broadly encompasses non-tangible embodiments.

Claims 40-50 recite “**a program**”. Functional descriptive material such as **a program** must be claimed in combination with an appropriate tangible computer medium in order to be statutory.

Claims 40-50 are not claimed in combination with an appropriate tangible computer readable medium. **Warmerdam**, 33 F.3d at 1361, 31 USPQ2d at 1760. **In re Sarkar**, 588 F.2d 1330, 1333, 200 USPQ 132, 137 (CCPA 1978). See MPEP § 2106 (IV)(B)(1)(a).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14-15 and 46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

Claims 14-15 have been found invalid as indefinite because the claims recite “*means for*” languages and there is no structure disclosed in the specification. “*If there is no structure in the specification corresponding to the means-plus-function limitation in the claims, the claims will be found invalid as indefinite.*” *Biomedino, LLC vs. Waters Technology Corp.*, 490 F.3d 946, 950 (Fed. Cir. 2007).

Claim 14 recites the limitation "the existence" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "the performance" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "acquiring content data corresponding to the performance of the external device" (emphasis added). It is unclear to the Examiner to interpret "acquiring content data corresponding to the performance of the external device". What does it mean “the performance of the external device”? What kind of the performance does the Applicant refer to? How does the Applicant measure the performance of the external device?

Art Unit: 2439

Claim 46 recites the limitation "the performance" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 46 recites the limitation "selecting content matching with the performance of a hardware" (emphasis added). It is unclear to the Examiner to interpret " selecting content matching with the performance of a hardware " . What does it mean “the performance of a hardware”? What kind of the performance does the Applicant refer to? How does the Applicant measure the performance of the hardware?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 25-26 and 29-30 are rejected under 35 U.S.C. 102(b) as being anticipated by **Satoshi Abe** (JP 2001-273135) Translated by FLS, Inc June 2008.

As per claim 25:

Satoshi teaches a method for an external device to execute content, comprising the steps of:

(a) receiving condition of the use of content from a mobile external device [**Satoshi: par. [0023]; fig. 3, par. [0037], fig. 5; “software usage license in the portable telephone or the upgrading action of the software is accompanied by a maintenance contract, the upgrading**

Art Unit: 2439

license or the software itself are downloaded through the portable telephone”; par. [0027], fig. 7; “software usage license in the memory of the portable telephone is present and the software is present in the memory or hard disk of the personal computer 2, it becomes usable (step S73)”; See also par. [0028-0029]].

(b) acquiring content from a content server [Satoshi: par. [0037], fig. 5; portable telephone is able to download a software usage license from the authentication server; fig. 3].

(c) executing content [Satoshi: par. [0027], [0030], fig. 8; a personal computer downloads software which one wishes to use the memory or hard disk of the personal computer 2 and thus made usable; par. [0039]; music data and video data can be used as the software];

(c) terminating execution of content [Satoshi: par. [0032]; Software outside the portable telephone is deleted after the telephone is removed]; and

(d) deleting said condition of the use of content [Satoshi: par. [0032]; Software outside the portable telephone is deleted after the telephone is removed].

As per claim 26:

Satoshi further teaches the method as claimed in claim 25 further comprising the step of storing content before executing content [Satoshi: par. [0027], [0030], fig. 8; a personal computer downloads software which one wishes to use the memory or hard disk of the personal computer 2 and thus made usable; par. [0039]; music data and video data can be used as the software; fig. 3].

Art Unit: 2439

As per claim 29:

Satoshi teaches the method as claimed in claim 25 further comprising the step of receiving command inputs [**Satoshi: figs. 1-3**];

As per claim 30:

Satoshi further teaches the method as claimed in claim 25 further comprising the step of searching other external devices for content [**Satoshi: fig. 4; par. [0033-0035]; LAN is connected between personal computer 2A and personal computer 2B. “The desired software is launched from the personal computer 2B”**];

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Satoshi Abe** (JP 2001-273135) Translated by FLS, Inc June 2008 in view of **Hara** (US 20030058086 A1).

As per claim 14:

Art Unit: 2439

Satoshi teaches an external device for executing content, comprising means for communicating with a mobile information terminal;

(a) means for receiving command inputs [**Satoshi: figs. 1-3**];

(b) means for acquiring content [**Satoshi: par. [0037], fig. 5; portable telephone is able to download a software usage license from the authentication server; fig. 3**];

(c) means for executing content [**Satoshi: par. [0027], [0030], fig. 8; a personal computer downloads software which one wishes to use the memory or hard disk of the personal computer 2 and thus made usable; par. [0039]; music data and video data can be used as the software**];

Satoshi does not explicitly teach a means for checking the existence of a mobile information terminal in neighborhood.

However, Hara teaches a means for checking the existence of a mobile information terminal in neighborhood [**Hara: par. [0087], par. [0088]**].

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the teaching of Satoshi by including the teaching of Hara in order to solve problems concerning antennas and set a proper communication-possible range while suppressing an increase in power consumption and apparatus costs, thereby more enhancing the reliability of control or a convenience of a user [**Hara: par. [0017]**].

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Satoshi Abe** (JP 2001-273135) Translated by FLS, Inc June 2008 in view of **Hara** (US 20030058086 A1) and further in view of **Hamada et al.** (JP 2002-163170).

As per claim 15:

Satoshi and Hara teach the subject matter as described as claim 14.

Satoshi and Hara do not explicitly teach an external device comprising means for acquiring content data corresponding to the performance of said external device.

However, Hamada teaches an external device comprising means for acquiring content data corresponding to the performance of said external device [**Hamada: par. [0011], [0012]; claim 20]**.

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the teaching of Satoshi and Hara by including the teaching of Hamada because it would reduce work load on user by specifying the content regeneration terminal and provide data with respect to reproduction capability or the memory capability of regeneration terminal [**Hamada: par. [0001], [0011-0012]**].

Claims 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Satoshi Abe** (JP 2001-273135) Translated by FLS, Inc June 2008 in view of **Hori** et al. (US 2004/0010467 A1).

As per claim 27:

Satoshi does not explicitly teach a method further comprising the step of recognizing a mobile information terminal that has sent condition of the use of content.

However, Hori teaches a method further comprising the step of recognizing a mobile information terminal that has sent condition of the use of content [**Hori; par. [096]; “cellphone**

Art Unit: 2439

includes a content ID for the system to identify each content data, a license ID (i.e. ticket) which is an administrator code to identify when and to whom the license was issued, and a transaction ID which is code generated for each distribution session to identify each distribution session”; See also par. [0140-0141], [0146-0147]].

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the teaching of Satoshi by including the teaching of Hori because it would provide a data distribution system that can prevent distributed copyrighted data from being replicated without permission of the copyright owner, and a recording apparatus and reproduction apparatus used in such a data distribution system [**Hori: par. [0008]**].

As per claim 28:

Satoshi and Hori teach the subject matter as described in claim 27.

Hori further teaches the method as claimed in claim 27 further comprising the step of linking an identifier for a mobile information terminal with a ticket, storing said identifier and said ticket [**Hori; par. [096]**]; “**cellphone includes a content ID for the system to identify each content data, a license ID (i.e. ticket) which is an administrator code to identify when and to whom the license was issued, and a transaction ID which is code generated for each distribution session to identify each distribution session”; See also par. [0140-0141], [0146-0147]; par. [0107]; “license server 10 includes an information database 304 store a license ID...”].**

Art Unit: 2439

Claims 40, 42-44, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Satoshi Abe** (JP 2001-273135) Translated by FLS, Inc June 2008 in view of **Yoshini et al.** (US 2002/0099663 A1) and further in view of **Shozo Toritani** (JP H11-284757).

As per claim 40:

Satoshi teaches a program for an external device to execute content performing the processes of:

(a) receiving condition of the use of content from a mobile information terminal

[Satoshi: par. [0023]; fig. 3, par. [0037], fig. 5; “software usage license in the portable telephone or the upgrading action of the software is accompanied by a maintenance contract, the upgrading license or the software itself are downloaded through the portable telephone”; par. [0027], fig. 7; “software usage license in the memory of the portable telephone is present and the software is present in the memory or hard disk of the personal computer 2, it becomes usable (step S73)”; See also par. [0028-0029]];

(b) receiving a demand to execute content from said mobile information terminal

[Satoshi: par. [0023]; fig. 3, par. [0037], fig. 5; “software usage license in the portable telephone or the upgrading action of the software is accompanied by a maintenance contract, the upgrading license or the software itself are downloaded through the portable telephone”; par. [0027], fig. 7; “software usage license in the memory of the portable telephone is present and the software is present in the memory or hard disk of the personal computer 2, it becomes usable (step S73)”; See also par. [0028-0029]];

(c) obtaining content [Satoshi: par. [0037], fig. 5; portable telephone is able to download a software usage license from the authentication server; fig. 3];

Art Unit: 2439

(d) executing content [**Satoshi: par. [0027], [0030], fig. 8; a personal computer downloads software which one wishes to use the memory or hard disk of the personal computer 2 and thus made usable; par. [0039]; music data and video data can be used as the software];**

(g) deleting said condition of the use of content from a storage section [**Satoshi: par. [0032]; Software outside the portable telephone is deleted after the telephone is removed].**

Satoshi does not explicitly disclose a device which issues a content ID,

(e) receiving a demand to terminate the execution of content;

(f) terminating the execution of content; and

However, Yoshini teaches a content delivery system and content and content delivery method wherein the content delivery system issues content ID to a user [**Yoshini: par. [0362], [0366], [0369], and [0372]; "a content ID identifying the content subject to the transaction, a ticket issuer ID identifying a ticket issuer which issues the ticket in response to the content transaction..."**];

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the program for an external device of Satoshi by including the teaching of Yoshini in order to identify a purchased requested content from a user by using content ID [**Yoshini: par. [0032]**].

Satoshi and Yoshini do not explicitly teach,

(e) receiving a demand to terminate the execution of content;

(f) terminating the execution of content.

However, Shozo teaches,

Art Unit: 2439

(e) receiving a demand to terminate the execution of content [**Shozo: par. [0007], [0008], [0010], figs 1-7**];

(f) terminating the execution of content [**Shozo: par. [0007], [0008], [0010], figs 1-7**].

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the teaching of Satoshi and Yoshini by including the teaching of Shozo because it would provide a cellular phone and PHS which can be used as common remote control of two or more controlled instruments irrespective of a distance from an installation of a controlled instrument [**Shozo: par. [0017]**];

As per claim 42:

Satoshi further teaches the program as claimed in claim 40 further performing the process of searching other external devices for the requested content [**Satoshi: fig. 4; par. [0033-0035]**;

LAN is connected between personal computer 2A and personal computer 2B. “The desired software is launched from the personal computer 2B”].

As per claim 43:

Satoshi further teaches the program as claimed in claim 40 further performing the processes of:

(a) obtaining content from said mobile information terminal [**Satoshi: par. [0037], fig. 5; portable telephone is able to download a software usage license from the authentication server; fig. 3, par. [0030]; “the desired software is downloaded to the memory or hard disk (HDD) of the personal computer 2, and thus usable”];**

Art Unit: 2439

(b) storing said content in a storage section [**Satoshi: fig. 3, par. [0030]; “the desired software is downloaded to the memory or hard disk (HDD) of the personal computer 2, and thus usable”**].

As per claim 44:

Satoshi further teaches the program as claimed in claim 40 further performing the processes of:

(a) obtaining content from a content server [**Satoshi: par. [0037], fig. 5; portable telephone is able to download a software usage license from the authentication server; fig. 3**];

(b) storing the content in a storage section [**Satoshi: par. [0027], [0030], fig. 8; a personal computer downloads software which one wishes to use the memory or hard disk of the personal computer 2 and thus made usable; par. [0039]; music data and video data can be used as the software**].

As per claim 48:

Satoshi, Yoshini, and Shozo teach the subject matter as described in claim 40.

Shozo further teaches the program as claimed in claim 40 further performing the processes of:

(a) receiving a demand from said mobile information terminal [**Shozo: par. [0007], [0008], [0010], figs 1-7**]; and

(b) stopping a content player [**Shozo: par. [0007], [0008], [0010], figs 1-7**].

Art Unit: 2439

Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Satoshi Abe** (JP 2001-273135) Translated by FLS, Inc June 2008 in view of **Yoshini et al.** (US 2002/0099663 A1) further in view of **Shozo Toritani** (JP H11-284757) and further in view of **Isamu Iwamoto** (JP-2002-024178).

As per claim 45:

Satoshi, Yoshini, and Shozo teach the subject matter as described in claim 44.

Yoshini further teaches referring to said content ID and obtaining content [**Yoshini: par. [0362], [0366], [0369], and [0372]; "a content ID identifying the content subject to the transaction, a ticket issuer ID identifying a ticket issuer which issues the ticket in response to the content transaction..."**].

Satoshi, Yoshini, and Shozo do not explicitly disclose referring to a content server address and communicating with a content server.

However, Isamu teaches referring to a content server address and communicating with a content server [**Isamu: par. [0017]; "each intrinsic identification code is located to the content server 1, license server2, and image display terminal 3. The identification code for example, is constituted by an IP (Internet Protocol) address"**]

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the teaching of Satoshi , Yoshini, and Shozo by including the teaching of Isamu because it would provide a content authentication and a content authentication method for utilizing a content while preventing a disordered duplicate of the content [**Isamu: par. [0005]**].

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Satoshi Abe** (JP 2001-273135) Translated by FLS, Inc June 2008 in view of **Yoshini et al.** (US 2002/0099663 A1) and further in view of **Shozo Toritani** (JP H11-284757) and further in view of **Hara** (US 20030058086 A1).

As per claim 41:

Satoshi, Yoshini, and Shozo teach the subject matter as described in claim 40.

Satoshi, Yoshini, and Shozo do not explicitly teach a program further performing the process of periodically checking the existence of said mobile information terminal in neighborhood.

However, Hara teaches a program performing a process of periodically checking the existence of said mobile information terminal in neighborhood [**Hara: par. [0087], par. [0088]**].

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the teaching of Satoshi, Yoshini and Shozo by including the teaching of Hara in order to solve problems concerning antennas and set a proper communication-possible range while suppressing an increase in power consumption and apparatus costs, thereby more enhancing the reliability of control or a convenience of a user [**Hara: par. [0017]**].

Art Unit: 2439

Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Satoshi Abe** (JP 2001-273135) Translated by FLS, Inc June 2008 in view of **Yoshini et al.** (US 2002/0099663 A1) and further in view of **Shozo Toritani** (JP H11-284757) and further in view of **Hamada et al.** (JP 2002-163170).

As per claim 46:

Satoshi, Yoshini, and Shozo teach the subject matter as described in claim 40.

Satoshi, Yoshini, and Shozo do not explicitly teach a program performing the process of selecting content matching with the performance of a hardware on which said content is executed.

However, Hamada teaches a program performing the process of selecting content matching with the performance of a hardware on which said content is executed [**Hamada: par. [0011], [0012]; claim 20**].

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the teaching of Satoshi, Yoshini, and Shozo by including the teaching of Hamada because it would reduce work load on user by specifying the content regeneration terminal and provide data with respect to reproduction capability or the memory capability of regeneration terminal [**Hamada: par. [0001], [0011-0012]**].

Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Satoshi Abe** (JP 2001-273135) Translated by FLS, Inc June 2008 in view of **Yoshini et al.** (US 2002/0099663 A1) and

Art Unit: 2439

further in view of **Shozo Toritani** (JP H11-284757) and further in view of **Safadi** (US 2003/0126086 A1).

As per claim 49:

Satoshi, Yoshini, and Shozo teach the subject matter as described in claim 40.

Satoshi, Yoshini, and Shozo do not explicitly teach a program performing the processes of:

- (a) confirming that said condition of the use of content is fulfilled; and
- (b) stopping a content player.

However, Safadi teaches,

- (a) confirming that said condition of the use of content is fulfilled [**Safadi: par. [0010];**

“Associated access rights may have time based expiration of content usage or limit the number of plays”]; and

- (b) stopping a content player [**Safadi: par. [0010]; Safadi: par. [0010]; “Associated access rights may have time based expiration of content usage or limit the number of plays”].**

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the teaching of Satoshi, Yoshini, and Shozo by including the teaching of Safadi because it would secure a sale of content and protect against and unauthorized distribution and playback of the content [**Safadi: par. [0002]].**

Art Unit: 2439

Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Satoshi Abe** (JP 2001-273135) Translated by FLS, Inc June 2008 in view of **Yoshini et al.** (US 2002/0099663 A1) and further in view of **Shozo Toritani** (JP H11-284757) and further in view of **Candelore** (US 7,120,250 B2).

As per claim 47:

Satoshi, Yoshini, and Shozo teach the subject matter as described in claim 40.

Yoshini further teaches (a) storing an identifier of a mobile information terminal linked with a ticket [**Yoshini: par. [0362], [0366], [0369], and [0372]; "a content ID identifying the content subject to the transaction, a ticket issuer ID identifying a ticket issuer which issues the ticket in response to the content transaction..."**; fig. 39].

Satoshi, Yoshini, and Shozo do not explicitly teach a program performing the processes of:

- (b) decoding content;
- (c) confirming the validity of condition of the use of content; and
- (d) booting a content player.

However, Candelore teaches a program performing the processes of:

- (b) decoding content [**Candelore: fig. 7, Col. 8, lines 40-48; decoder/encoder**];
- (c) confirming the validity of condition of the use of content [**Candelore: Col. 7, lines 55-65; Col. 8, lines 12-13; determining that valid digital right are available from the DRM data; fig. 7, Col. 8, lines 40-48; DRM validator**]; and

Art Unit: 2439

(d) booting a content player [**Candelore: fig. 7, play content (box 750); Col. 7, lines 55-65**].

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the teaching of Satoshi, Yoshini, and Shozo by including the teaching of Candelore to provide users with a means for multiple encrypting digitized video for purpose of enabling multiple digital rights management scenarios (DRMs) [**Candelore: Col 1. , lines 45-51**].

Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Satoshi Abe** (JP 2001-273135) Translated by FLS, Inc June 2008 in view of **Shozo Toritani** (JP H11-284757) in view of **Saisei Sochi** (JP 2002-175084) Translated by Schreiber Translations, Inc, June 2008 and further in view of **Burger** (US 2007/0027696 A1).

As per claim 50:

Satoshi teaches a program for an external device to execute content performing the processes of:

(b) receiving a ticket and condition of the use of content including an identifier of said mobile information terminal [**Satoshi: par. [0023]; fig. 3, par. [0037], fig. 5; “software usage license in the portable telephone or the upgrading action of the software is accompanied by a maintenance contract, the upgrading license or the software itself are downloaded through the portable telephone”; par. [0027], fig. 7; “software usage license in the memory**

Art Unit: 2439

of the portable telephone is present and the software is present in the memory or hard disk of the personal computer 2, it becomes usable (step S73)”; See also par. [0028-0029]].

(c) storing said condition of the use of content in a memory [Satoshi: par. [0023]; fig. 3, par. [0037], fig. 5; “software usage license in the portable telephone or the upgrading action of the software is accompanied by a maintenance contract, the upgrading license or the software itself are downloaded through the portable telephone”; par. [0027], fig. 7; “software usage license in the memory of the portable telephone is present and the software is present in the memory or hard disk of the personal computer 2, it becomes usable (step S73)”; See also par. [0028-0029]

(d) acquiring content from a content server [Satoshi: par. [0037], fig. 5; portable telephone is able to download a software usage license from the authentication server; fig. 3].

(e) executing content [Satoshi: par. [0027], [0030], fig. 8; a personal computer downloads software which one wishes to use the memory or hard disk of the personal computer 2 and thus made usable; par. [0039]; music data and video data can be used as the software];

Satoshi does not explicitly teach,

(f) terminating the execution of content,

(g) renewing said ticket,

(a) sending an identifier of said external device to a mobile information terminal.

However, Shozo teaches,

(f) terminating the execution of content [Shozo: par. [0007], [0008], [0010], figs 1-7].

Art Unit: 2439

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the teaching of Satoshi by including the teaching of Shozo because it would provide a cellular phone and PHS which can be used as common remote control of two or more controlled instruments irrespective of a distance from an installation of a controlled instrument [**Shozo: par. [0017]**].

Satoshi and Shozo do not explicitly teach,

(g) renewing said ticket,

(a) sending an identifier of said external device to a mobile information terminal.

However, Saisei teaches,

(g) renewing said ticket [**Saisei: par. [0058]**; “...The access restriction ACm is specially restriction information used on an occasion for outputting a license or license key from memory card to an external destination and includes the permitted number of play back occasion (i.e. number occasions for outputting the license key for playback)...”; **par. [0062]**; “the update of the certification revocation list is essential judged by using, as standard, the date of disseminations of a license (e.g. license key) ...”; See also **par. [0064], [0115-0117], [0121]**].

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the teaching of Satoshi and Shozo by including the teaching of Saisei because it would provide a playback device capable of playing back encrypted contents data in a manner similar to that for playing back ordinary contents data [**Saisei: par. [0015]**].

Satoshi, Shozo, and Saisei do not explicitly teach sending an identifier of said external device to a mobile information terminal.

Art Unit: 2439

However, Burger teaches sending an identifier of said external device to a mobile information terminal [**Burger: par. [0026]; the device #2506 (PDA) may received an ID from device #1052**].

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the teaching of Satoshi, Shozo, and Saisei by including the teaching of Burger because it would provide for third party control of a device, allows for viewer controller separation and authentication with validation [**Burger par. [0019]**].

Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Satoshi Abe** (JP 2001-273135) Translated by FLS, Inc June 2008 in view of **Shozo Toritani** (JP H11-284757) in view of **Saisei Sochi** (JP 2002-175084) Translated by Schreiber Translations, Inc, June 2008 and further in view of **Burger** (US 2007/0027696 A1) and further in view of **Hara** (US 20030058086 A1).

As per claim 51:

Satoshi, Shozo, Saisei, and Burger teach the subject matter as described as claim 50.

Satoshi, Shozo, Saisei, and Burger do not explicitly teach a program further performing the process of checking in neighborhood the existence of said mobile information terminal identified by said identifier.

However, Hara teaches a process of checking in neighborhood the existence of said mobile information terminal identified by said identifier [**Hara: par. [0087], par. [0088]**].

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the teaching of Satoshi, Shozo, Saisei, and Burger by including the teaching of Hara in order to solve problems concerning antennas and set a proper communication-possible range while suppressing an increase in power consumption and apparatus costs, thereby more enhancing the reliability of control or a convenience of a user **[Hara: par. [0017]]**.

As per claim 52:

Satoshi, Shozo, Saisei, and Burger teach the subject matter as described as claim 50. Satoshi further teaches the program as claimed in claim 50 further performing the process of storing content data in a memory **[Satoshi: fig. 3, par. [0030]; “the desired software is downloaded to the memory or hard disk (HDD) of the personal computer 2, and thus usable”]**.

As per claim 53:

Satoshi, Shozo, Saisei, and Burger teach the subject matter as described as claim 50. Satoshi further teaches the program as claimed in claim 50 further performing the process of storing said identifier linked with said ticket in a memory **[Satoshi: par. [0023]; fig. 3, par. [0037], fig. 5; “software usage license in the portable telephone or the upgrading action of the software is accompanied by a maintenance contract, the upgrading license or the software itself are downloaded through the portable telephone”; par. [0027], fig. 7; “software usage license in the memory of the portable telephone is present and the software**

Art Unit: 2439

is present in the memory or hard disk of the personal computer 2, it becomes usable (step S73)”; See also par. [0028-0029]].

As per claim 54:

Satoshi, Shozo, Saisei, and Burger teach the subject matter as described as claim 50.

Shozo further teaches the program as claimed in claim 50 further performing the process of receiving command inputs [**Shozo: par. [0007], [0008], [0010], figs 1-7].**

As per claim 55:

Satoshi, Shozo, Saisei, and Burger teach the subject matter as described as claim 50.

Satoshi further teaches the program as claimed in claim 50 further performing the process of searching other external devices for the requested content [**Satoshi: fig. 4; par. [0033-0035];**

LAN is connected between personal computer 2A and personal computer 2B. “The desired software is launched from the personal computer 2B”].

Conclusion

The prior arts made of record and not relied upon are considered pertinent to applicant's disclosure.

US 6223291 B1 to Puhl; Larry C. et al.;

US 20040148523 A1 to Lambert, Martin Richard;

US 20020194355 A1 to Koskimies, Oskari;

US 7316033 B2 to Risan; Hank et al.

Art Unit: 2439

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Canh Le whose telephone number is 571-270-1380. The examiner can normally be reached on Monday to Friday 7:30AM to 5:00PM other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zand Kambiz can be reached on 571-272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Canh Le/

Examiner, Art Unit 2439

October 9, 2008

/Kambiz Zand/

Supervisory Patent Examiner, Art Unit 2434